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SENATE BILL 6389

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State of Washington                      59th Legislature                      2006 Regular Session

By Senators Benton, Oke, Stevens, Shin, Zarelli, Benson, Carrell, Hewitt, Delvin, Mulliken, Schmidt, Parlette, Pflug, Rasmussen, Schoesler, Keiser, Honeyford, Roach, McCaslin, Sheldon and Esser

Read first time 01/11/2006. Referred to Committee on Judiciary.

1            AN ACT Relating to sex offenders; amending RCW 10.95.020,  
2 9.94A.540, 9.94A.720, 9A.44.130, and 9A.76.050; reenacting and amending  
3 RCW 9.94A.515 and 9.95.204; adding a new section to chapter 9A.76 RCW;  
4 creating new sections; prescribing penalties; and providing an  
5 effective date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7            NEW SECTION.    **Sec. 1.** The legislature finds that Jessica Lunsford,  
8 a nine-year old girl, was abducted from her bedroom at her  
9 grandparent's home in the middle of the night on February 23, 2005. A  
10 three-week long search was launched that gained Jessica the sympathy  
11 and heartfelt prayers of the nation. On March 18, 2005, police found  
12 Jessica's body buried in a shallow grave under the back porch of a home  
13 where she had been sexually assaulted, buried alive, and murdered.  
14 Therefore the legislature intends to enhance the penalties for, and  
15 monitoring of, sex offenders.

16            **Sec. 2.** RCW 10.95.020 and 2003 c 53 s 96 are each amended to read  
17 as follows:

18            A person is guilty of aggravated first degree murder, a class A

1 felony, if he or she commits first degree murder as defined by RCW  
2 9A.32.030(1)(a), as now or hereafter amended, and one or more of the  
3 following aggravating circumstances exist:

4 (1) The victim was a law enforcement officer, corrections officer,  
5 or fire fighter who was performing his or her official duties at the  
6 time of the act resulting in death and the victim was known or  
7 reasonably should have been known by the person to be such at the time  
8 of the killing;

9 (2) At the time of the act resulting in the death, the person was  
10 serving a term of imprisonment, had escaped, or was on authorized or  
11 unauthorized leave in or from a state facility or program for the  
12 incarceration or treatment of persons adjudicated guilty of crimes;

13 (3) At the time of the act resulting in death, the person was in  
14 custody in a county or county-city jail as a consequence of having been  
15 adjudicated guilty of a felony;

16 (4) The person committed the murder pursuant to an agreement that  
17 he or she would receive money or any other thing of value for  
18 committing the murder;

19 (5) The person solicited another person to commit the murder and  
20 had paid or had agreed to pay money or any other thing of value for  
21 committing the murder;

22 (6) The person committed the murder to obtain or maintain his or  
23 her membership or to advance his or her position in the hierarchy of an  
24 organization, association, or identifiable group;

25 (7) The murder was committed during the course of or as a result of  
26 a shooting where the discharge of the firearm, as defined in RCW  
27 9.41.010, is either from a motor vehicle or from the immediate area of  
28 a motor vehicle that was used to transport the shooter or the firearm,  
29 or both, to the scene of the discharge;

30 (8) The victim was:

31 (a) A judge; juror or former juror; prospective, current, or former  
32 witness in an adjudicative proceeding; prosecuting attorney; deputy  
33 prosecuting attorney; defense attorney; a member of the indeterminate  
34 sentence review board; or a probation or parole officer; and

35 (b) The murder was related to the exercise of official duties  
36 performed or to be performed by the victim;

37 (9) The person committed the murder to conceal the commission of a

1 crime or to protect or conceal the identity of any person committing a  
2 crime, including, but specifically not limited to, any attempt to avoid  
3 prosecution as a persistent offender as defined in RCW 9.94A.030;

4 (10) There was more than one victim and the murders were part of a  
5 common scheme or plan or the result of a single act of the person;

6 (11) The murder was committed in the course of, in furtherance of,  
7 or in immediate flight from one of the following crimes:

8 (a) Robbery in the first or second degree;

9 (b) Rape in the first or second degree;

10 (c) Burglary in the first or second degree or residential burglary;

11 (d) Kidnapping in the first degree; or

12 (e) Arson in the first degree;

13 (12) The victim was regularly employed or self-employed as a  
14 newsreporter and the murder was committed to obstruct or hinder the  
15 investigative, research, or reporting activities of the victim;

16 (13) At the time the person committed the murder, there existed a  
17 court order, issued in this or any other state, which prohibited the  
18 person from either contacting the victim, molesting the victim, or  
19 disturbing the peace of the victim, and the person had knowledge of the  
20 existence of that order;

21 (14) At the time the person committed the murder, the person and  
22 the victim were "family or household members" as that term is defined  
23 in RCW 10.99.020(~~((+1))~~) (3), and the person had previously engaged in  
24 a pattern or practice of three or more of the following crimes  
25 committed upon the victim within a five-year period, regardless of  
26 whether a conviction resulted:

27 (a) Harassment as defined in RCW 9A.46.020; or

28 (b) Any criminal assault;

29 (15) At the time the person committed the murder, the person was a  
30 sexually violent predator, as defined in RCW 71.09.020.

31 **Sec. 3.** RCW 9.94A.540 and 2005 c 437 s 2 are each amended to read  
32 as follows:

33 (1) Except to the extent provided in subsection (3) of this  
34 section, the following minimum terms of total confinement are mandatory  
35 and shall not be varied or modified under RCW 9.94A.535:

36 (a) An offender convicted of the crime of murder in the first

1 degree shall be sentenced to a term of total confinement not less than  
2 twenty years.

3 (b) An offender convicted of the crime of assault in the first  
4 degree or assault of a child in the first degree where the offender  
5 used force or means likely to result in death or intended to kill the  
6 victim shall be sentenced to a term of total confinement not less than  
7 five years.

8 (c) An offender convicted of the crime of rape in the first degree  
9 shall be sentenced to a term of total confinement not less than five  
10 years.

11 (d) An offender convicted of the crime of sexually violent predator  
12 escape shall be sentenced to a minimum term of total confinement not  
13 less than sixty months.

14 (e) An offender convicted of the crime of rape of a child in the  
15 first degree or child molestation in the first degree shall be  
16 sentenced to a minimum term of total confinement not less than twenty-  
17 five years. An offender sentenced under this subsection (1)(e) is  
18 subject to lifetime supervision with electronic monitoring for any  
19 period of partial confinement.

20 (2) During such minimum terms of total confinement, no offender  
21 subject to the provisions of this section is eligible for community  
22 custody, earned release time, furlough, home detention, partial  
23 confinement, work crew, work release, or any other form of early  
24 release authorized under RCW 9.94A.728, or any other form of authorized  
25 leave of absence from the correctional facility while not in the direct  
26 custody of a corrections officer. The provisions of this subsection  
27 shall not apply: (a) In the case of an offender in need of emergency  
28 medical treatment; (b) for the purpose of commitment to an inpatient  
29 treatment facility in the case of an offender convicted of the crime of  
30 rape in the first degree; or (c) for an extraordinary medical placement  
31 when authorized under RCW 9.94A.728(4).

32 (3)(a) Subsection (1) of this section shall not be applied in  
33 sentencing of juveniles tried as adults pursuant to RCW  
34 13.04.030(1)(e)(i).

35 (b) This subsection (3) applies only to crimes committed on or  
36 after July 24, 2005.



1 Leading Organized Crime (RCW  
2 9A.82.060(1)(a))  
3 Malicious explosion 3 (RCW  
4 70.74.280(3))  
5 Sexually Violent Predator Escape  
6 (RCW 9A.76.115)  
7 IX Assault of a Child 2 (RCW 9A.36.130)  
8 Explosive devices prohibited (RCW  
9 70.74.180)  
10 Hit and Run--Death (RCW  
11 46.52.020(4)(a))  
12 Homicide by Watercraft, by being  
13 under the influence of intoxicating  
14 liquor or any drug (RCW  
15 79A.60.050)  
16 Inciting Criminal Profiteering (RCW  
17 9A.82.060(1)(b))  
18 Malicious placement of an explosive 2  
19 (RCW 70.74.270(2))  
20 Robbery 1 (RCW 9A.56.200)  
21 Sexual Exploitation (RCW 9.68A.040)  
22 Vehicular Homicide, by being under  
23 the influence of intoxicating liquor  
24 or any drug (RCW 46.61.520)  
25 VIII Arson 1 (RCW 9A.48.020)  
26 Homicide by Watercraft, by the  
27 operation of any vessel in a  
28 reckless manner (RCW  
29 79A.60.050)  
30 Manslaughter 2 (RCW 9A.32.070)  
31 Promoting Prostitution 1 (RCW  
32 9A.88.070)  
33 Theft of Ammonia (RCW 69.55.010)  
34 Vehicular Homicide, by the operation  
35 of any vehicle in a reckless  
36 manner (RCW 46.61.520)  
37 VII Burglary 1 (RCW 9A.52.020)

1 Child Molestation 2 (RCW 9A.44.086)  
2 Civil Disorder Training (RCW  
3 9A.48.120)  
4 Dealing in depictions of minor  
5 engaged in sexually explicit  
6 conduct (RCW 9.68A.050)  
7 Drive-by Shooting (RCW 9A.36.045)  
8 Homicide by Watercraft, by disregard  
9 for the safety of others (RCW  
10 79A.60.050)  
11 Indecent Liberties (without forcible  
12 compulsion) (RCW 9A.44.100(1)  
13 (b) and (c))  
14 Introducing Contraband 1 (RCW  
15 9A.76.140)  
16 Malicious placement of an explosive 3  
17 (RCW 70.74.270(3))  
18 Negligently Causing Death By Use of  
19 a Signal Preemption Device  
20 (RCW 46.37.675)  
21 Sending, bringing into state depictions  
22 of minor engaged in sexually  
23 explicit conduct (RCW  
24 9.68A.060)  
25 Unlawful Possession of a Firearm in  
26 the first degree (RCW  
27 9.41.040(1))  
28 Use of a Machine Gun in Commission  
29 of a Felony (RCW 9.41.225)  
30 Vehicular Homicide, by disregard for  
31 the safety of others (RCW  
32 46.61.520)  
33 VI Bail Jumping with Murder 1 (RCW  
34 9A.76.170(3)(a))  
35 Bribery (RCW 9A.68.010)  
36 Incest 1 (RCW 9A.64.020(1))

1 Intimidating a Judge (RCW  
2 9A.72.160)  
3 Intimidating a Juror/Witness (RCW  
4 9A.72.110, 9A.72.130)  
5 Malicious placement of an imitation  
6 device 2 (RCW 70.74.272(1)(b))  
7 Rape of a Child 3 (RCW 9A.44.079)  
8 Theft of a Firearm (RCW 9A.56.300)  
9 Unlawful Storage of Ammonia (RCW  
10 69.55.020)  
11 V Abandonment of dependent person 1  
12 (RCW 9A.42.060)  
13 Advancing money or property for  
14 extortionate extension of credit  
15 (RCW 9A.82.030)  
16 Bail Jumping with class A Felony  
17 (RCW 9A.76.170(3)(b))  
18 Child Molestation 3 (RCW 9A.44.089)  
19 Criminal Mistreatment 1 (RCW  
20 9A.42.020)  
21 Custodial Sexual Misconduct 1 (RCW  
22 9A.44.160)  
23 Domestic Violence Court Order  
24 Violation (RCW 10.99.040,  
25 10.99.050, 26.09.300, 26.10.220,  
26 26.26.138, 26.50.110, 26.52.070,  
27 or 74.34.145)  
28 Extortion 1 (RCW 9A.56.120)  
29 Extortionate Extension of Credit  
30 (RCW 9A.82.020)  
31 Extortionate Means to Collect  
32 Extensions of Credit (RCW  
33 9A.82.040)  
34 Incest 2 (RCW 9A.64.020(2))  
35 Kidnapping 2 (RCW 9A.40.030)  
36 Perjury 1 (RCW 9A.72.020)

1 Persistent prison misbehavior (RCW  
2 9.94.070)  
3 Possession of a Stolen Firearm (RCW  
4 9A.56.310)  
5 Rape 3 (RCW 9A.44.060)  
6 Rendering Criminal Assistance 1  
7 (RCW 9A.76.070)  
8 Sexual Misconduct with a Minor 1  
9 (RCW 9A.44.093)  
10 Sexually Violating Human Remains  
11 (RCW 9A.44.105)  
12 Stalking (RCW 9A.46.110)  
13 Taking Motor Vehicle Without  
14 Permission 1 (RCW 9A.56.070)  
15 IV Arson 2 (RCW 9A.48.030)  
16 Assault 2 (RCW 9A.36.021)  
17 Assault 3 (of a Peace Officer with a  
18 Projectile Stun Gun) (RCW  
19 9A.36.031(1)(h))  
20 Assault by Watercraft (RCW  
21 79A.60.060)  
22 Bribing a Witness/Bribe Received by  
23 Witness (RCW 9A.72.090,  
24 9A.72.100)  
25 Cheating 1 (RCW 9.46.1961)  
26 Commercial Bribery (RCW  
27 9A.68.060)  
28 Counterfeiting (RCW 9.16.035(4))  
29 Endangerment with a Controlled  
30 Substance (RCW 9A.42.100)  
31 Escape 1 (RCW 9A.76.110)  
32 Hit and Run--Injury (RCW  
33 46.52.020(4)(b))  
34 Hit and Run with Vessel--Injury  
35 Accident (RCW 79A.60.200(3))  
36 Identity Theft 1 (RCW 9.35.020(2))

1 Indecent Exposure to Person Under  
2 Age Fourteen (subsequent sex  
3 offense) (RCW 9A.88.010)  
4 Influencing Outcome of Sporting  
5 Event (RCW 9A.82.070)  
6 Malicious Harassment (RCW  
7 9A.36.080)  
8 Residential Burglary (RCW  
9 9A.52.025)  
10 Robbery 2 (RCW 9A.56.210)  
11 Theft of Livestock 1 (RCW 9A.56.080)  
12 Threats to Bomb (RCW 9.61.160)  
13 Trafficking in Stolen Property 1 (RCW  
14 9A.82.050)  
15 Unlawful factoring of a credit card or  
16 payment card transaction (RCW  
17 9A.56.290(4)(b))  
18 Unlawful transaction of health  
19 coverage as a health care service  
20 contractor (RCW 48.44.016(3))  
21 Unlawful transaction of health  
22 coverage as a health maintenance  
23 organization (RCW 48.46.033(3))  
24 Unlawful transaction of insurance  
25 business (RCW 48.15.023(3))  
26 Unlicensed practice as an insurance  
27 professional (RCW 48.17.063(3))  
28 Use of Proceeds of Criminal  
29 Profiteering (RCW 9A.82.080 (1)  
30 and (2))  
31 Vehicular Assault, by being under the  
32 influence of intoxicating liquor or  
33 any drug, or by the operation or  
34 driving of a vehicle in a reckless  
35 manner (RCW 46.61.522)  
36 Willful Failure to Return from  
37 Furlough (RCW 72.66.060)

1 III Abandonment of dependent person 2  
2 (RCW 9A.42.070)  
3 Assault 3 (Except Assault 3 of a Peace  
4 Officer With a Projectile Stun  
5 Gun) (RCW 9A.36.031 except  
6 subsection (1)(h))  
7 Assault of a Child 3 (RCW 9A.36.140)  
8 Bail Jumping with class B or C Felony  
9 (RCW 9A.76.170(3)(c))  
10 Burglary 2 (RCW 9A.52.030)  
11 Communication with a Minor for  
12 Immoral Purposes (RCW  
13 9.68A.090)  
14 Criminal Gang Intimidation (RCW  
15 9A.46.120)  
16 Criminal Mistreatment 2 (RCW  
17 9A.42.030)  
18 Custodial Assault (RCW 9A.36.100)  
19 Cyberstalking (subsequent conviction  
20 or threat of death) (RCW  
21 9.61.260(3))  
22 Escape 2 (RCW 9A.76.120)  
23 Extortion 2 (RCW 9A.56.130)  
24 Harassment (RCW 9A.46.020)  
25 Intimidating a Public Servant (RCW  
26 9A.76.180)  
27 Introducing Contraband 2 (RCW  
28 9A.76.150)  
29 Malicious Injury to Railroad Property  
30 (RCW 81.60.070)  
31 Negligently Causing Substantial Bodily  
32 Harm By Use of a Signal  
33 Preemption Device (RCW  
34 46.37.674)  
35 Patronizing a Juvenile Prostitute  
36 (RCW 9.68A.100)  
37 Perjury 2 (RCW 9A.72.030)

1 Possession of Incendiary Device (RCW  
2 9.40.120)  
3 Possession of Machine Gun or Short-  
4 Barreled Shotgun or Rifle (RCW  
5 9.41.190)  
6 Promoting Prostitution 2 (RCW  
7 9A.88.080)  
8 Securities Act violation (RCW  
9 21.20.400)  
10 Tampering with a Witness (RCW  
11 9A.72.120)  
12 Telephone Harassment (subsequent  
13 conviction or threat of death)  
14 (RCW 9.61.230(2))  
15 Theft of Livestock 2 (RCW 9A.56.083)  
16 Trafficking in Stolen Property 2 (RCW  
17 9A.82.055)  
18 Unlawful Imprisonment (RCW  
19 9A.40.040)  
20 Unlawful possession of firearm in the  
21 second degree (RCW 9.41.040(2))  
22 Vehicular Assault, by the operation or  
23 driving of a vehicle with disregard  
24 for the safety of others (RCW  
25 46.61.522)  
26 Willful Failure to Return from Work  
27 Release (RCW 72.65.070)  
28 II Computer Trespass 1 (RCW  
29 9A.52.110)  
30 Counterfeiting (RCW 9.16.035(3))  
31 Escape from Community Custody  
32 (RCW 72.09.310)  
33 Health Care False Claims (RCW  
34 48.80.030)  
35 Identity Theft 2 (RCW 9.35.020(3))  
36 Improperly Obtaining Financial  
37 Information (RCW 9.35.010)

1 Malicious Mischief 1 (RCW  
2 9A.48.070)  
3 Possession of Stolen Property 1 (RCW  
4 9A.56.150)  
5 Theft 1 (RCW 9A.56.030)  
6 Theft of Rental, Leased, or Lease-  
7 purchased Property (valued at one  
8 thousand five hundred dollars or  
9 more) (RCW 9A.56.096(5)(a))  
10 Trafficking in Insurance Claims (RCW  
11 48.30A.015)  
12 Unlawful factoring of a credit card or  
13 payment card transaction (RCW  
14 9A.56.290(4)(a))  
15 Unlawful Practice of Law (RCW  
16 2.48.180)  
17 Unlicensed Practice of a Profession or  
18 Business (RCW 18.130.190(7))  
19 I Attempting to Elude a Pursuing Police  
20 Vehicle (RCW 46.61.024)  
21 False Verification for Welfare (RCW  
22 74.08.055)  
23 Forgery (RCW 9A.60.020)  
24 Fraudulent Creation or Revocation of a  
25 Mental Health Advance Directive  
26 (RCW 9A.60.060)  
27 Malicious Mischief 2 (RCW  
28 9A.48.080)  
29 Mineral Trespass (RCW 78.44.330)  
30 Possession of Stolen Property 2 (RCW  
31 9A.56.160)  
32 Reckless Burning 1 (RCW 9A.48.040)  
33 Taking Motor Vehicle Without  
34 Permission 2 (RCW 9A.56.075)  
35 Theft 2 (RCW 9A.56.040)

1 Theft of Rental, Leased, or Lease-  
2 purchased Property (valued at two  
3 hundred fifty dollars or more but  
4 less than one thousand five  
5 hundred dollars) (RCW  
6 9A.56.096(5)(b))  
7 Transaction of insurance business  
8 beyond the scope of licensure  
9 (RCW 48.17.063(4))  
10 Unlawful Issuance of Checks or Drafts  
11 (RCW 9A.56.060)  
12 Unlawful Possession of Fictitious  
13 Identification (RCW 9A.56.320)  
14 Unlawful Possession of Instruments of  
15 Financial Fraud (RCW  
16 9A.56.320)  
17 Unlawful Possession of Payment  
18 Instruments (RCW 9A.56.320)  
19 Unlawful Possession of a Personal  
20 Identification Device (RCW  
21 9A.56.320)  
22 Unlawful Production of Payment  
23 Instruments (RCW 9A.56.320)  
24 Unlawful Trafficking in Food Stamps  
25 (RCW 9.91.142)  
26 Unlawful Use of Food Stamps (RCW  
27 9.91.144)  
28 Vehicle Prowl 1 (RCW 9A.52.095)

29 **Sec. 5.** RCW 9.94A.720 and 2003 c 379 s 7 are each amended to read  
30 as follows:

31 (1)(a) Except as provided in RCW 9.94A.501, all offenders sentenced  
32 to terms involving community supervision, community restitution,  
33 community placement, or community custody shall be under the  
34 supervision of the department and shall follow explicitly the  
35 instructions and conditions of the department. The department may  
36 require an offender to perform affirmative acts it deems appropriate to  
37 monitor compliance with the conditions of the sentence imposed. The

1 department may only supervise the offender's compliance with payment of  
2 legal financial obligations during any period in which the department  
3 is authorized to supervise the offender in the community under RCW  
4 9.94A.501.

5 (b) The instructions shall include, at a minimum, reporting as  
6 directed to a community corrections officer, remaining within  
7 prescribed geographical boundaries, notifying the community corrections  
8 officer of any change in the offender's address or employment, and  
9 paying the supervision fee assessment.

10 (c) For offenders sentenced to terms involving community custody  
11 for crimes committed on or after June 6, 1996, the department may  
12 include, in addition to the instructions in (b) of this subsection, any  
13 appropriate conditions of supervision, including but not limited to,  
14 prohibiting the offender from having contact with any other specified  
15 individuals or specific class of individuals.

16 (d) All sex offenders sentenced to terms involving community  
17 supervision, community placement, or community custody before, on, or  
18 after the effective date of this act shall be subject to electronic  
19 monitoring for the remainder of the offender's term.

20 All sex offenders subject to electronic monitoring under this  
21 section shall be responsible for the total costs of any electronic  
22 monitoring device or system, including daily equipment costs,  
23 manufacturing fees, and fees related to repair and monitoring and the  
24 effective and efficient use of this equipment or system.

25 (e) For offenders sentenced to terms of community custody for  
26 crimes committed on or after July 1, 2000, the department may impose  
27 conditions as specified in RCW 9.94A.715.

28 The conditions authorized under (c) of this subsection may be  
29 imposed by the department prior to or during an offender's community  
30 custody term. If a violation of conditions imposed by the court or the  
31 department pursuant to RCW 9.94A.710 occurs during community custody,  
32 it shall be deemed a violation of community placement for the purposes  
33 of RCW 9.94A.740 and shall authorize the department to transfer an  
34 offender to a more restrictive confinement status as provided in RCW  
35 9.94A.737. At any time prior to the completion of an offender's term  
36 of community custody, the department may recommend to the court that  
37 any or all of the conditions imposed by the court or the department

1 pursuant to RCW 9.94A.710 or 9.94A.715 be continued beyond the  
2 expiration of the offender's term of community custody as authorized in  
3 RCW 9.94A.715 (3) or (5).

4 The department may require offenders to pay for special services  
5 rendered on or after July 25, 1993, including ((~~electronic~~  
6 ~~monitoring~~)) day reporting((~~ing~~)) and telephone reporting, dependent  
7 upon the offender's ability to pay. The department may pay for these  
8 services for offenders who are not able to pay.

9 (2) No offender sentenced to terms involving community supervision,  
10 community restitution, community custody, or community placement under  
11 the supervision of the department may own, use, or possess firearms or  
12 ammunition. Offenders who own, use, or are found to be in actual or  
13 constructive possession of firearms or ammunition shall be subject to  
14 the violation process and sanctions under RCW 9.94A.634, 9.94A.737, and  
15 9.94A.740. "Constructive possession" as used in this subsection means  
16 the power and intent to control the firearm or ammunition. "Firearm"  
17 as used in this subsection has the same definition as in RCW 9.41.010.

18 **Sec. 6.** RCW 9.95.204 and 2005 c 400 s 2 and 2005 c 362 s 3 are  
19 each reenacted and amended to read as follows:

20 (1) When a superior court places a defendant convicted of a  
21 misdemeanor or gross misdemeanor on probation and orders supervision  
22 under RCW 9.92.060 or 9.95.210, the department of corrections has  
23 initial responsibility for supervision of that defendant.

24 (2) A county legislative authority may assume responsibility for  
25 the supervision of all defendants within its jurisdiction who have been  
26 convicted of a misdemeanor or gross misdemeanor and sentenced to  
27 probation by a superior court. The assumption of responsibility shall  
28 be made by contract with the department of corrections on a biennial  
29 basis.

30 (3) If a county assumes supervision responsibility, the county  
31 shall supervise all superior court misdemeanant probationers within  
32 that county for the duration of the biennium, as set forth in the  
33 contract with the department of corrections.

34 (4) A contract between a county legislative authority and the  
35 department of corrections for the transfer of supervision  
36 responsibility must include, at a minimum, the following provisions:

1 (a) The county's agreement to supervise all misdemeanor  
2 probationers who are sentenced by a superior court within that county  
3 and who reside within that county;

4 (b) A reciprocal agreement regarding the supervision of superior  
5 court misdemeanor probationers sentenced in one county but who reside  
6 in another county;

7 (c) The county's agreement to comply with the minimum standards for  
8 classification and supervision of offenders as required under RCW  
9 9.95.206;

10 (d) The amount of funds available from the department of  
11 corrections to the county for supervision of superior court  
12 misdemeanor probationers, calculated according to a formula  
13 established by the department of corrections;

14 (e) A method for the payment of funds by the department of  
15 corrections to the county;

16 (f) The county's agreement that any funds received by the county  
17 under the contract will be expended only to cover costs of supervision  
18 of superior court misdemeanor probationers;

19 (g) The county's agreement to account to the department of  
20 corrections for the expenditure of all funds received under the  
21 contract and to submit to audits for compliance with the supervision  
22 standards and financial requirements of this section;

23 (h) Provisions regarding rights and remedies in the event of a  
24 possible breach of contract or default by either party; and

25 (i) Provisions allowing for voluntary termination of the contract  
26 by either party, with good cause, after sixty days' written notice.

27 (5) If the contract between the county and the department of  
28 corrections is terminated for any reason, the department of corrections  
29 shall reassume responsibility for supervision of superior court  
30 misdemeanor probationers within that county. In such an event, the  
31 department of corrections retains any and all rights and remedies  
32 available by law and under the contract.

33 (6) The state of Washington, the department of corrections and its  
34 employees, community corrections officers, and volunteers who assist  
35 community corrections officers are not liable for any harm caused by  
36 the actions of a superior court misdemeanor probationer who is under  
37 the supervision of a county. A county, its probation department and  
38 employees, probation officers, and volunteers who assist probation

1 officers are not liable for any harm caused by the actions of a  
2 superior court misdemeanant probationer who is under the supervision of  
3 the department of corrections. This subsection applies regardless of  
4 whether the supervising entity is in compliance with the standards of  
5 supervision at the time of the misdemeanant probationer's actions.

6 (7) The state of Washington, the department of corrections and its  
7 employees, community corrections officers, any county under contract  
8 with the department of corrections pursuant to this section and its  
9 employees, probation officers, and volunteers who assist community  
10 corrections officers and probation officers in the superior court  
11 misdemeanant probation program are not liable for civil damages  
12 resulting from any act or omission in the rendering of superior court  
13 misdemeanant probation activities unless the act or omission  
14 constitutes gross negligence. For purposes of this section,  
15 "volunteers" is defined according to RCW 51.12.035.

16 (8) The provisions of RCW 9.94A.501 apply to sentences imposed  
17 under this section.

18 (9)(a) If a misdemeanant probationer requests permission to travel  
19 or transfer to another state, the assigned probation officer employed  
20 or contracted for by the county shall determine whether such request is  
21 subject to RCW 9.94A.745, the interstate compact for adult offender  
22 supervision. If such request is subject to the compact, the probation  
23 officer shall:

24 (i) Notify the department of corrections of the probationer's  
25 request;

26 (ii) Provide the department of corrections with the supporting  
27 documentation it requests for processing an application for transfer;

28 (iii) Notify the probationer of the fee due to the department of  
29 corrections for processing an application under the compact;

30 (iv) Cease supervision of the probationer while another state  
31 supervises the probationer pursuant to the compact;

32 (v) Resume supervision if the probationer returns to this state  
33 before the term of probation expires.

34 (b) The probationer shall receive credit for time served while  
35 being supervised by another state.

36 (10) Whenever the department or a county assumes supervisory  
37 responsibility for a misdemeanant probationer, the department or the

1 county shall determine whether or not the probationer is listed in the  
2 central registry of sex offenders and kidnapping offenders.

3 **Sec. 7.** RCW 9A.44.130 and 2005 c 380 s 1 are each amended to read  
4 as follows:

5 (1)(a) Any adult or juvenile residing whether or not the person has  
6 a fixed residence, or who is a student, is employed, or carries on a  
7 vocation in this state who has been found to have committed or has been  
8 convicted of any sex offense or kidnapping offense, or who has been  
9 found not guilty by reason of insanity under chapter 10.77 RCW of  
10 committing any sex offense or kidnapping offense, shall register with  
11 the county sheriff for the county of the person's residence, or if the  
12 person is not a resident of Washington, the county of the person's  
13 school, or place of employment or vocation, or as otherwise specified  
14 in this section. Where a person required to register under this  
15 section is in custody of the state department of corrections, the state  
16 department of social and health services, a local division of youth  
17 services, or a local jail or juvenile detention facility as a result of  
18 a sex offense or kidnapping offense, the person shall also register at  
19 the time of release from custody with an official designated by the  
20 agency that has jurisdiction over the person.

21 (b) Any adult or juvenile who is required to register under (a) of  
22 this subsection:

23 (i) Who is attending, or planning to attend, a public or private  
24 school regulated under Title 28A RCW or chapter 72.40 RCW shall, within  
25 ten days of enrolling or prior to arriving at the school to attend  
26 classes, whichever is earlier, notify the sheriff for the county of the  
27 person's residence of the person's intent to attend the school, and the  
28 sheriff shall promptly notify the principal of the school;

29 (ii) Who is admitted to a public or private institution of higher  
30 education shall, within ten days of enrolling or by the first business  
31 day after arriving at the institution, whichever is earlier, notify the  
32 sheriff for the county of the person's residence of the person's intent  
33 to attend the institution;

34 (iii) Who gains employment at a public or private institution of  
35 higher education shall, within ten days of accepting employment or by  
36 the first business day after commencing work at the institution,

1 whichever is earlier, notify the sheriff for the county of the person's  
2 residence of the person's employment by the institution; or

3 (iv) Whose enrollment or employment at a public or private  
4 institution of higher education is terminated shall, within ten days of  
5 such termination, notify the sheriff for the county of the person's  
6 residence of the person's termination of enrollment or employment at  
7 the institution.

8 (c) Persons required to register under this section who are  
9 enrolled in a public or private institution of higher education on June  
10 11, 1998, or a public or private school regulated under Title 28A RCW  
11 or chapter 72.40 RCW on September 1, 2006, must notify the county  
12 sheriff immediately.

13 (d) The sheriff shall notify the school's principal or  
14 institution's department of public safety and shall provide that  
15 department with the same information provided to a county sheriff under  
16 subsection (3) of this section.

17 (e)(i) A principal receiving notice under this subsection must  
18 disclose the information received from the sheriff under (b) of this  
19 subsection as follows:

20 (A) If the student who is required to register as a sex offender is  
21 classified as a risk level II or III, the principal shall provide the  
22 information received to every teacher of any student required to  
23 register under (a) of this subsection and to any other personnel who,  
24 in the judgment of the principal, supervises the student or for  
25 security purposes should be aware of the student's record;

26 (B) If the student who is required to register as a sex offender is  
27 classified as a risk level I, the principal shall provide the  
28 information received only to personnel who, in the judgment of the  
29 principal, for security purposes should be aware of the student's  
30 record.

31 (ii) Any information received by a principal or school personnel  
32 under this subsection is confidential and may not be further  
33 disseminated except as provided in RCW 28A.225.330, other statutes or  
34 case law, and the family and educational and privacy rights act of  
35 1994, 20 U.S.C. Sec. 1232g et seq.

36 (2) This section may not be construed to confer any powers pursuant  
37 to RCW (~~(4.24.500)~~) 4.24.550 upon the public safety department of any  
38 public or private school or institution of higher education.

1 (3)(a) The person shall provide the following information when  
2 registering: (i) Name; (ii) address; (iii) date and place of birth;  
3 (iv) place of employment; (v) crime for which convicted; (vi) date and  
4 place of conviction; (vii) aliases used; (viii) social security number;  
5 (ix) photograph; and (x) fingerprints.

6 (b) Any person who lacks a fixed residence shall provide the  
7 following information when registering: (i) Name; (ii) date and place  
8 of birth; (iii) place of employment; (iv) crime for which convicted;  
9 (v) date and place of conviction; (vi) aliases used; (vii) social  
10 security number; (viii) photograph; (ix) fingerprints; and (x) where he  
11 or she plans to stay.

12 (c) Any person required to register pursuant to this section shall  
13 verify, under penalty of law and with the county sheriff, twice a year  
14 that all of the information required in this subsection remains  
15 accurate. Failure to verify registration information twice a year  
16 constitutes a per se violation of this section and is punishable as  
17 provided in subsection (10) of this section.

18 (4)(a) Offenders shall register with the county sheriff within the  
19 following deadlines. For purposes of this section the term  
20 "conviction" refers to adult convictions and juvenile adjudications for  
21 sex offenses or kidnapping offenses:

22 (i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex  
23 offense on, before, or after February 28, 1990, and who, on or after  
24 July 28, 1991, are in custody, as a result of that offense, of the  
25 state department of corrections, the state department of social and  
26 health services, a local division of youth services, or a local jail or  
27 juvenile detention facility, and (B) kidnapping offenders who on or  
28 after July 27, 1997, are in custody of the state department of  
29 corrections, the state department of social and health services, a  
30 local division of youth services, or a local jail or juvenile detention  
31 facility, must register at the time of release from custody with an  
32 official designated by the agency that has jurisdiction over the  
33 offender. The agency shall within three days forward the registration  
34 information to the county sheriff for the county of the offender's  
35 anticipated residence. The offender must also register within twenty-  
36 four hours from the time of release with the county sheriff for the  
37 county of the person's residence, or if the person is not a resident of  
38 Washington, the county of the person's school, or place of employment

1 or vocation. The agency that has jurisdiction over the offender shall  
2 provide notice to the offender of the duty to register. Failure to  
3 register at the time of release and within twenty-four hours of release  
4 constitutes a violation of this section and is punishable as provided  
5 in subsection (10) of this section.

6 When the agency with jurisdiction intends to release an offender  
7 with a duty to register under this section, and the agency has  
8 knowledge that the offender is eligible for developmental disability  
9 services from the department of social and health services, the agency  
10 shall notify the division of developmental disabilities of the release.  
11 Notice shall occur not more than thirty days before the offender is to  
12 be released. The agency and the division shall assist the offender in  
13 meeting the initial registration requirement under this section.  
14 Failure to provide such assistance shall not constitute a defense for  
15 any violation of this section.

16 (ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL  
17 JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody  
18 but are under the jurisdiction of the indeterminate sentence review  
19 board or under the department of corrections' active supervision, as  
20 defined by the department of corrections, the state department of  
21 social and health services, or a local division of youth services, for  
22 sex offenses committed before, on, or after February 28, 1990, must  
23 register within ten days of July 28, 1991. Kidnapping offenders who,  
24 on July 27, 1997, are not in custody but are under the jurisdiction of  
25 the indeterminate sentence review board or under the department of  
26 corrections' active supervision, as defined by the department of  
27 corrections, the state department of social and health services, or a  
28 local division of youth services, for kidnapping offenses committed  
29 before, on, or after July 27, 1997, must register within ten days of  
30 July 27, 1997. A change in supervision status of a sex offender who  
31 was required to register under this subsection (4)(a)(ii) as of July  
32 28, 1991, or a kidnapping offender required to register as of July 27,  
33 1997, shall not relieve the offender of the duty to register or to  
34 reregister following a change in residence. The obligation to register  
35 shall only cease pursuant to RCW 9A.44.140.

36 (iii) OFFENDERS UNDER FEDERAL JURISDICTION. Sex offenders who, on  
37 or after July 23, 1995, and kidnapping offenders who, on or after July  
38 27, 1997, as a result of that offense are in the custody of the United

1 States bureau of prisons or other federal or military correctional  
2 agency for sex offenses committed before, on, or after February 28,  
3 1990, or kidnapping offenses committed on, before, or after July 27,  
4 1997, must register within twenty-four hours from the time of release  
5 with the county sheriff for the county of the person's residence, or if  
6 the person is not a resident of Washington, the county of the person's  
7 school, or place of employment or vocation. Sex offenders who, on July  
8 23, 1995, are not in custody but are under the jurisdiction of the  
9 United States bureau of prisons, United States courts, United States  
10 parole commission, or military parole board for sex offenses committed  
11 before, on, or after February 28, 1990, must register within ten days  
12 of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not  
13 in custody but are under the jurisdiction of the United States bureau  
14 of prisons, United States courts, United States parole commission, or  
15 military parole board for kidnapping offenses committed before, on, or  
16 after July 27, 1997, must register within ten days of July 27, 1997.  
17 A change in supervision status of a sex offender who was required to  
18 register under this subsection (4)(a)(iii) as of July 23, 1995, or a  
19 kidnapping offender required to register as of July 27, 1997 shall not  
20 relieve the offender of the duty to register or to reregister following  
21 a change in residence, or if the person is not a resident of  
22 Washington, the county of the person's school, or place of employment  
23 or vocation. The obligation to register shall only cease pursuant to  
24 RCW 9A.44.140.

25 (iv) OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED. Sex offenders  
26 who are convicted of a sex offense on or after July 28, 1991, for a sex  
27 offense that was committed on or after February 28, 1990, and  
28 kidnapping offenders who are convicted on or after July 27, 1997, for  
29 a kidnapping offense that was committed on or after July 27, 1997, but  
30 who are not sentenced to serve a term of confinement immediately upon  
31 sentencing, shall report to the county sheriff to register immediately  
32 upon completion of being sentenced.

33 (v) OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON  
34 RESIDENTS. Sex offenders and kidnapping offenders who move to  
35 Washington state from another state or a foreign country that are not  
36 under the jurisdiction of the state department of corrections, the  
37 indeterminate sentence review board, or the state department of social  
38 and health services at the time of moving to Washington, must register

1 within thirty days of establishing residence or reestablishing  
2 residence if the person is a former Washington resident. The duty to  
3 register under this subsection applies to sex offenders convicted under  
4 the laws of another state or a foreign country, federal or military  
5 statutes, or Washington state for offenses committed on or after  
6 February 28, 1990, and to kidnapping offenders convicted under the laws  
7 of another state or a foreign country, federal or military statutes, or  
8 Washington state for offenses committed on or after July 27, 1997. Sex  
9 offenders and kidnapping offenders from other states or a foreign  
10 country who, when they move to Washington, are under the jurisdiction  
11 of the department of corrections, the indeterminate sentence review  
12 board, or the department of social and health services must register  
13 within twenty-four hours of moving to Washington. The agency that has  
14 jurisdiction over the offender shall notify the offender of the  
15 registration requirements before the offender moves to Washington.

16 (vi) OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY. Any adult  
17 or juvenile who has been found not guilty by reason of insanity under  
18 chapter 10.77 RCW of (A) committing a sex offense on, before, or after  
19 February 28, 1990, and who, on or after July 23, 1995, is in custody,  
20 as a result of that finding, of the state department of social and  
21 health services, or (B) committing a kidnapping offense on, before, or  
22 after July 27, 1997, and who on or after July 27, 1997, is in custody,  
23 as a result of that finding, of the state department of social and  
24 health services, must register within twenty-four hours from the time  
25 of release with the county sheriff for the county of the person's  
26 residence. The state department of social and health services shall  
27 provide notice to the adult or juvenile in its custody of the duty to  
28 register. Any adult or juvenile who has been found not guilty by  
29 reason of insanity of committing a sex offense on, before, or after  
30 February 28, 1990, but who was released before July 23, 1995, or any  
31 adult or juvenile who has been found not guilty by reason of insanity  
32 of committing a kidnapping offense but who was released before July 27,  
33 1997, shall be required to register within twenty-four hours of  
34 receiving notice of this registration requirement. The state  
35 department of social and health services shall make reasonable attempts  
36 within available resources to notify sex offenders who were released  
37 before July 23, 1995, and kidnapping offenders who were released before  
38 July 27, 1997. Failure to register within twenty-four hours of

1 release, or of receiving notice, constitutes a violation of this  
2 section and is punishable as provided in subsection (10) of this  
3 section.

4 (vii) OFFENDERS WHO LACK A FIXED RESIDENCE. Any person who lacks  
5 a fixed residence and leaves the county in which he or she is  
6 registered and enters and remains within a new county for twenty-four  
7 hours is required to register with the county sheriff not more than  
8 twenty-four hours after entering the county and provide the information  
9 required in subsection (3)(b) of this section.

10 (viii) OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER  
11 SUPERVISION. Offenders who lack a fixed residence and who are under  
12 the supervision of the department shall register in the county of their  
13 supervision.

14 (ix) OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND  
15 SCHOOL IN ANOTHER STATE. Offenders required to register in Washington,  
16 who move to another state, or who work, carry on a vocation, or attend  
17 school in another state shall register a new address, fingerprints, and  
18 photograph with the new state within ten days after establishing  
19 residence, or after beginning to work, carry on a vocation, or attend  
20 school in the new state. The person must also send written notice  
21 within ten days of moving to the new state or to a foreign country to  
22 the county sheriff with whom the person last registered in Washington  
23 state. The county sheriff shall promptly forward this information to  
24 the Washington state patrol.

25 (b) Failure to register within the time required under this section  
26 constitutes a per se violation of this section and is punishable as  
27 provided in subsection (10) of this section. The county sheriff shall  
28 not be required to determine whether the person is living within the  
29 county.

30 (c) An arrest on charges of failure to register, service of an  
31 information, or a complaint for a violation of this section, or  
32 arraignment on charges for a violation of this section, constitutes  
33 actual notice of the duty to register. Any person charged with the  
34 crime of failure to register under this section who asserts as a  
35 defense the lack of notice of the duty to register shall register  
36 immediately following actual notice of the duty through arrest,  
37 service, or arraignment. Failure to register as required under this  
38 subsection (4)(c) constitutes grounds for filing another charge of

1 failing to register. Registering following arrest, service, or  
2 arraignment on charges shall not relieve the offender from criminal  
3 liability for failure to register prior to the filing of the original  
4 charge.

5 (d) The deadlines for the duty to register under this section do  
6 not relieve any sex offender of the duty to register under this section  
7 as it existed prior to July 28, 1991.

8 (5)(a) If any person required to register pursuant to this section  
9 changes his or her residence address within the same county, the person  
10 must send written notice of the change of address to the county sheriff  
11 within seventy-two hours of moving. If any person required to register  
12 pursuant to this section moves to a new county, the person must send  
13 written notice of the change of address at least fourteen days before  
14 moving to the county sheriff in the new county of residence and must  
15 register with that county sheriff within twenty-four hours of moving.  
16 The person must also send written notice within ten days of the change  
17 of address in the new county to the county sheriff with whom the person  
18 last registered. The county sheriff with whom the person last  
19 registered shall promptly forward the information concerning the change  
20 of address to the county sheriff for the county of the person's new  
21 residence. Upon receipt of notice of change of address to a new state,  
22 the county sheriff shall promptly forward the information regarding the  
23 change of address to the agency designated by the new state as the  
24 state's offender registration agency.

25 (b) It is an affirmative defense to a charge that the person failed  
26 to send a notice at least fourteen days in advance of moving as  
27 required under (a) of this subsection that the person did not know the  
28 location of his or her new residence at least fourteen days before  
29 moving. The defendant must establish the defense by a preponderance of  
30 the evidence and, to prevail on the defense, must also prove by a  
31 preponderance that the defendant sent the required notice within  
32 twenty-four hours of determining the new address.

33 (6)(a) Any person required to register under this section who lacks  
34 a fixed residence shall provide written notice to the sheriff of the  
35 county where he or she last registered within forty-eight hours  
36 excluding weekends and holidays after ceasing to have a fixed  
37 residence. The notice shall include the information required by  
38 subsection (3)(b) of this section, except the photograph and

1 fingerprints. The county sheriff may, for reasonable cause, require  
2 the offender to provide a photograph and fingerprints. The sheriff  
3 shall forward this information to the sheriff of the county in which  
4 the person intends to reside, if the person intends to reside in  
5 another county.

6 (b) A person who lacks a fixed residence must report weekly, in  
7 person, to the sheriff of the county where he or she is registered.  
8 The weekly report shall be on a day specified by the county sheriff's  
9 office, and shall occur during normal business hours. The county  
10 sheriff's office may require the person to list the locations where the  
11 person has stayed during the last seven days. The lack of a fixed  
12 residence is a factor that may be considered in determining an  
13 offender's risk level and shall make the offender subject to disclosure  
14 of information to the public at large pursuant to RCW 4.24.550.

15 (c) If any person required to register pursuant to this section  
16 does not have a fixed residence, it is an affirmative defense to the  
17 charge of failure to register, that he or she provided written notice  
18 to the sheriff of the county where he or she last registered within  
19 forty-eight hours excluding weekends and holidays after ceasing to have  
20 a fixed residence and has subsequently complied with the requirements  
21 of subsections (4)(a)(vii) or (viii) and (6) of this section. To  
22 prevail, the person must prove the defense by a preponderance of the  
23 evidence.

24 (7) A sex offender subject to registration requirements under this  
25 section who applies to change his or her name under RCW 4.24.130 or any  
26 other law shall submit a copy of the application to the county sheriff  
27 of the county of the person's residence and to the state patrol not  
28 fewer than five days before the entry of an order granting the name  
29 change. No sex offender under the requirement to register under this  
30 section at the time of application shall be granted an order changing  
31 his or her name if the court finds that doing so will interfere with  
32 legitimate law enforcement interests, except that no order shall be  
33 denied when the name change is requested for religious or legitimate  
34 cultural reasons or in recognition of marriage or dissolution of  
35 marriage. A sex offender under the requirement to register under this  
36 section who receives an order changing his or her name shall submit a  
37 copy of the order to the county sheriff of the county of the person's

1 residence and to the state patrol within five days of the entry of the  
2 order.

3 (8) The county sheriff shall obtain a photograph of the individual  
4 and shall obtain a copy of the individual's fingerprints.

5 (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540,  
6 70.48.470, and 72.09.330:

7 (a) "Sex offense" means:

8 (i) Any offense defined as a sex offense by RCW 9.94A.030;

9 (ii) Any violation under RCW 9A.44.096 (sexual misconduct with a  
10 minor in the second degree);

11 (iii) Any violation under RCW 9.68A.090 (communication with a minor  
12 for immoral purposes);

13 (iv) Any federal or out-of-state conviction for an offense that  
14 under the laws of this state would be classified as a sex offense under  
15 this subsection; and

16 (v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a  
17 criminal attempt, criminal solicitation, or criminal conspiracy to  
18 commit an offense that is classified as a sex offense under RCW  
19 9.94A.030 or this subsection.

20 (b) "Kidnapping offense" means: (i) The crimes of kidnapping in  
21 the first degree, kidnapping in the second degree, and unlawful  
22 imprisonment, as defined in chapter 9A.40 RCW, where the victim is a  
23 minor and the offender is not the minor's parent; (ii) any offense that  
24 is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation,  
25 or criminal conspiracy to commit an offense that is classified as a  
26 kidnapping offense under this subsection (9)(b); and (iii) any federal  
27 or out-of-state conviction for an offense that under the laws of this  
28 state would be classified as a kidnapping offense under this subsection  
29 (9)(b).

30 (c) "Employed" or "carries on a vocation" means employment that is  
31 full-time or part-time for a period of time exceeding fourteen days, or  
32 for an aggregate period of time exceeding thirty days during any  
33 calendar year. A person is employed or carries on a vocation whether  
34 the person's employment is financially compensated, volunteered, or for  
35 the purpose of government or educational benefit.

36 (d) "Student" means a person who is enrolled, on a full-time or  
37 part-time basis, in any public or private educational institution. An

1 educational institution includes any secondary school, trade or  
2 professional institution, or institution of higher education.

3 (10)(a) A person who knowingly fails to register or verify  
4 information with the county sheriff or notify the county sheriff, or  
5 who changes his or her name without notifying the county sheriff and  
6 the state patrol, as required by this section is guilty of a class  
7 ((E)) B felony if the crime for which the individual was convicted was  
8 a felony sex offense as defined in subsection (9)(a) of this section or  
9 a federal or out-of-state conviction for an offense that under the laws  
10 of this state would be a felony sex offense as defined in subsection  
11 (9)(a) of this section.

12 (b) If the crime for which the individual was convicted was other  
13 than a felony or a federal or out-of-state conviction for an offense  
14 that under the laws of this state would be other than a felony,  
15 violation of this section is a (~~gross misdemeanor~~) class C felony.

16 (11)(a) A person who knowingly fails to register or verify  
17 information or who moves within the state without notifying the county  
18 sheriff as required by this section is guilty of a class ((E)) B felony  
19 if the crime for which the individual was convicted was a felony  
20 kidnapping offense as defined in subsection (9)(b) of this section or  
21 a federal or out-of-state conviction for an offense that under the laws  
22 of this state would be a felony kidnapping offense as defined in  
23 subsection (9)(b) of this section.

24 (b) If the crime for which the individual was convicted was other  
25 than a felony or a federal or out-of-state conviction for an offense  
26 that under the laws of this state would be other than a felony,  
27 violation of this section is a (~~gross misdemeanor~~) class C felony.

28 (12) Except as may otherwise be provided by law, nothing in this  
29 section shall impose any liability upon a peace officer, including a  
30 county sheriff, or law enforcement agency, for failing to release  
31 information authorized under this section.

32 NEW SECTION. Sec. 8. A new section is added to chapter 9A.76 RCW  
33 to read as follows:

34 (1) A person is guilty of rendering assistance to a sex offender if  
35 the person knows that a sex offender required to register under RCW  
36 9A.44.130 is not complying, or has not complied, with the requirements  
37 of RCW 9A.44.130 and, with the intent to assist the sex offender

1 required to register in eluding a law enforcement agency that is  
2 seeking to find the sex offender to question the person about, or to  
3 arrest the person for, his or her noncompliance with the requirements  
4 of RCW 9A.44.130, the person:

5 (a) Withholds information from, or does not notify, the law  
6 enforcement agency about the sex offender's noncompliance with the  
7 requirements of RCW 9A.44.130 and, if known, the whereabouts of the sex  
8 offender;

9 (b) Harbors or attempts to harbor, or assists another person in  
10 harboring or attempting to harbor, the sex offender;

11 (c) Hides or attempts to hide, or assists another person in hiding  
12 or attempting to hide, the sex offender; or

13 (d) Provides information to the law enforcement agency regarding  
14 the sex offender which the person knows to be false information,  
15 commits a felony of the third degree. This subsection (1)(d) does not  
16 apply if the sex offender is incarcerated in or is in the custody of a  
17 state correctional facility, a local jail, or a federal correctional  
18 facility.

19 (2) Rendering assistance to a sex offender is a class C felony.

20 **Sec. 9.** RCW 9A.76.050 and 1982 1st ex.s. c 47 s 20 are each  
21 amended to read as follows:

22 As used in RCW 9A.76.070, 9A.76.080, and 9A.76.090, a person  
23 "renders criminal assistance" if, under circumstances not amounting to  
24 a violation of section 8 of this act, with intent to prevent, hinder,  
25 or delay the apprehension or prosecution of another person who he or  
26 she knows has committed a crime or juvenile offense or is being sought  
27 by law enforcement officials for the commission of a crime or juvenile  
28 offense or has escaped from a detention facility, he or she:

29 (1) Harbors or conceals such person; or

30 (2) Warns such person of impending discovery or apprehension; or

31 (3) Provides such person with money, transportation, disguise, or  
32 other means of avoiding discovery or apprehension; or

33 (4) Prevents or obstructs, by use of force, deception, or threat,  
34 anyone from performing an act that might aid in the discovery or  
35 apprehension of such person; or

36 (5) Conceals, alters, or destroys any physical evidence that might  
37 aid in the discovery or apprehension of such person; or

1 (6) Provides such person with a weapon.

2 NEW SECTION. **Sec. 10.** This act shall be known and cited as the  
3 "Jessica Lunsford Act."

4 NEW SECTION. **Sec. 11.** This act takes effect September 1, 2006.

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